

ST. GEORGE PLANNING BOARD
PUBLIC HEARING
SAINT GEORGE TOWN OFFICE
JUNE 16, 2002

A Public Hearing was declared open at 7:38 p.m. Members present in person were members of the planning board Chair Anne Cox, Anne Cogger, Richard Moskowitz, Allison Briggs, Michael B. Jordan, Jane Brown and Mary K. Hewlett. Also present were: CEO Terry Brackett, Richard Bates, Town Manager Richard Erb. The following members of the public were present: Mark Shapiro, Melissa Starbird, Nina Anthoine, Robert Cremonni, Gene Ray, Christine Novicka, JL Tyman, Jim Barstow, Jacob Fengemie, Bonnie Suzy Kane, Gayle J Elfast, Sandra Coggeshalc, Bill Reinhardt, Mary Beth Dolan, Jim Brannan, Lizbeth Thalheimer, Jeff Thalheimer, Dave Percival, Bonnie Percival, Greg Howland, B. Carter, Kristin Falla, Van Thompson, Donald Jacobson, Meg Rasmusn, Barbara Aras, Amy Palmer, Steven Sculley, Chris Moses.

Members of the public present by zoom were: Magan Wallace, Jane Matthews, Marguerite Wilson, Stephanie Smith, Loreen Meyer, Kristin Collins, Dianne Speranza, Suzanne Luzins, John Hoff and Mary Costigan.

At 7:38 p.m., Chair Cox declared the public hearing open.

Jordan did not participate in the hearing for the reasons previously stated.

Members of the public making statements for or against the Happy Clam/Outback permits:

Melissa Starbird

I'm just wondering, every meeting previously, we started off with letters of opposition and I know that there are some letters in support.

Chair Cox

I have no letters in support, and I have no letters to read in opposition tonight; letters that have arrived in the last two weeks have been forwarded to all members of the Planning Board. I do not know of any other letters.

Melissa Starbird

So, you did receive letters in support of the Outback?

Chair Cox

We have received some, and they are part of what was forwarded.

Melissa Starbird

I'm just curious why we felt we needed to review only the opposition last time but not them.

Chair Cox

Because of the volume of letters that started coming in and the repetitive nature of them.

Mark Shapiro

I'm actually right behind the Happy Clam and watch out of my house barn. And then just the only thing that I'm really concerned about is we should have a lot of not only the, the evergreen trees, but the wild deer and turkeys coming. And I'm just trying to make sure that we're preserving and protecting what's really important. Thank you. Nothing negative. It's important to know it's protected. Industry (sic)

Jim Brannon

I'm here to report that Jamie Wyeth opposes for a number of reasons. In fact, earlier today, I and, my co-counsel, Kristin Collins, drafted a letter to the board. I have copies of it here. I'm going to ask Kristen to join in and just give the gist of what the concerns are that our client has.

Kristin Collins

Thank you, and hopefully everybody can hear me. So, the gist of our letter, which I actually sent to Terry earlier today, so I'm not sure why that wasn't received. But the one thing I want to touch on is that there are active violations on this property that is now proposed to be served by this new parking lot. And of course, you're looking at the site plan approval for the restaurant property as well. And I think that those violations go to the applicant's technical capability to demonstrate to the town that they have the wherewithal to do this new project correctly. And so I think, it is entirely within the board's purview to be able to say that because of that technical capacity standard, they have to demonstrate that they're in compliance on the existing property before you would let them do additional projects on the property or on the property across the street. The rest of it is outlined in the letter and I think it touches more or less on a lot of the things that people have already raised. But as to the parking lot, it seems to me that the big issue is pedestrian safety, which is not reviewed by DOT in issuing a curb cut permit. And it is, you know, pretty unusual to have people crossing a numbered State Road, even if it's at low speed, crossing a State Road in order to get to a bar is concerning for a bunch of reasons. So, I hope the board will look at that issue. And you know, the some of the other issues that are raised here about wetlands, and whether the expansion of the existing restaurant on the other side of the street from the parking lot will further impact wetlands, which there's some question about the validity of what's already been done.

Cindy Kane

Cindy Kane, I live on Barters Point Rd. I am concerned that expanding the existing business is with all the problems that were created by the business last summer will just bring more disturbance to the neighborhood. And I think every citizen deserves the right to peace and quiet and an attractive town to live in. And there were just too many problems last summer, but they seem to be being swept under the rug now considering this new expansion. And I also wonder who is going to enforce the total capacity of people coming here and who's going to enforce the hours because it seems to me that having a plan is (inaudible).

Jacob Fengemie

Jacob Fengemie, I live on 15 Watts Ave., directly behind the parking lot expansion area. I moved here in 2015. I am raising three young kids and love this neighborhood. It's fantastic. It really is difficult for me to stand here and talk about this. I'm definitely pro-business. The reason I'm compelled to speak is because The Happy Clam has not been considered a neighbor of anybody. And so, I think there's without a doubt, some noise complaints. And I think just overall complaints about the general noise and partying that happens during business hours and after business hours. The frequent police visits to the property. I have the police report in my hand right now. I think the biggest issue that I have is our security and privacy within our backyard. We live on a very small plot of land. But it's amazing; you go in the backyard, we have cedar trees, we have our garage, and our kids get to play back there without any concern. And now we are going to have a parking lot that is going to be filled with cars and patrons leaving the bars with simply a four-foot berm, keeping them away from our backyard. So, I think that is my primary concern above just an inconsiderate neighbor aspect.

Chair Cox

Say your name please.

Christina Novicka

My name is Christina. To start off, I'd like to just tell you a little bit about myself. I was born and raised in Knox County and lived here my whole life. I raised two children by myself in the home I grew up in. And I'm a true native not just a Maine native, but to Knox County specifically, perhaps with hundreds of years of generations before me. Walls Town Rd., Wallston as it has become, started as Walls Town, as many of the town roads were named for the families that lived on them. My family were the Walls of St. George many years ago, some of my family members have been reported on the Census as servants. And I'll just say that position hasn't changed much over the years. It truly is a hometown for many of us and for a lot of us that means that we are servants. Many of us have jobs serving others in the community in one way or another. Mainers are known for being hard workers and I know firsthand that I had to take on a multitude of jobs over the past 37 years in order to get what I needed to sustain a healthy livelihood. I started out as a customer at the Outback saloon. I chose to spend time there; friends could gather together to celebrate something that we love and enjoy; an experience which is very unique and a great escape from our daily grind. Each Wednesday night we met in town and rode together to have a nice meal at the Outback with its unique and special characteristics as well as enjoy our local talents as they perform freely and openly on stage and on open mic night setting. Soon I found myself enjoying the atmosphere as a bartender, and that is the position I currently hold there. And another reason for my passion is to see the expansion of the business; the business is already successful. And what is being asked is purely to accommodate making it better for the customers and also the employees. Winters come and many of us find ourselves with little or nothing to do, seasonal depression or Cabin Fever, and our mental and sometimes physical health suffers. When Spring and Summer arrive, we all get excited to be outside. For many of us, that means we have to do our chores and take care of our properties. And for this reason, we also create a sense of socializing, and some type

of fun to balance us out. I'm guessing that many of the people that are in opposition of the Outback Saloon move to Maine or live here part time because they love Maine and all it has to offer, including but not limited to the people, but I'm also guessing that many of the opponents travel or have access to other types of things besides working their tails off, while maintaining the household. Before I go on to my next point, I just want to say that in a world where there's a large group of people that are offended by everything, I am offended that you all think that you can dictate what we do, and how we spend our time. I am offended that someone has offered us a beautiful place to be, a true and real part of Maine at our fingertips where we can gather with our neighbors and laugh and smile and be happy. And just because they're doing that doesn't mean they're all a bunch of trucks that are going to run into your neighborhood. We can dance and let loose and just forget about our adult responsibilities just for a while. One gentleman who lives here years ago, and I have become dear friends and he is on his way back. This was from our previous meeting. He's actually here in this room right now from down south, with his very mission in mind to be here. For the first Sunday Funday there have been regions that have traveled from away and come to the Outback already this year, because they heard about how eat cozy fun, beautiful and welcoming. It is among many other positives. These people come from away and are sent off to other places in the community to enjoy what we have to offer, whether it's the general salons, a lighthouse or even our local eateries, other eateries. We know that they'll be back and some even look into renting in the area because by their own admission, they have such a good time. My point here is, not only is the Happy Clam excellent at bringing revenue in, but they are also bringing it to the town and community. As a member of the Saint George Business Alliance, this should be considered in their attempts to grow and succeed in the community. Another point I would like to make are the complaints and where they are coming from. For me it is only hearsay. But it's my understanding that most of this opposition is being spearheaded by someone who has a personal conflict or interest in the demise of this business, which I feel can explain. Some of the absurd testimonies that have come forward, such as the bottles on the side of the road. First, we don't allow bottles or containers other than takeout to leave the restaurant and with this absurd claim, there is the commonsense factor of people living for many, many years. St. George is an area where there's only one way in and one way out. Alcohol bottles, as well as trash have been tossed out for many years in order to keep people who may choose to have these containers in a vehicle out of trouble. Another thing was that the parking on the street almost always had an accident with another opponent of our expansion. First of all, how fast was this person going that she almost got hit on the way to the police? Was she paying attention to the road? What was she paying attention to what was going on around her? Was there any wrongdoing on part of the restaurant? Are these questions asked or considered when being used against other residents or businesses not parked on the shoulder? I have firsthand knowledge that people are asked to move their vehicle into the shoulder when parked on the road, which does provide plenty of room for vehicles to not obstruct the roadway. It also slows traffic down for the traffic to flow without any obstacles. Any person who was found to be disturbing the clear flow of traffic was sought out and asked to make room for the route needed. When we go to the lengths that Mr. Howland has taken to rectify this particular complaint, and that in itself has become a complaint, I feel like everyone is just grasping at straws. See, people here in Maine enjoy cold winters. They appreciate businesses that offer a place to go and have a time socialize with our

neighbors, friends and family, listen to live music, dance, etc. Just like you deserve freedom to do so. And also, something that occurs all over the rest of the country, people of St. George should be allowed to have such a place as people from away should have the freedom to travel to such a place because they truly enjoy it. And they do enjoy it which is obvious in the number of signatures that we obtained from people all over the community, state and country who have frequented both the restaurant and saloon. In short, the Happy Clam and Outback are completely respectful of their community, they have expanded and are trying to continue to expand in a way that is needed to cater to their customers. And then also employees have to travel after patients of the restaurant and someone with an efficient meal(sic). Whether they choose the truck or the restaurant. Additional parking will allow patrons to park comfortably and safely and prevent the police from having to monitor to prevent any obstruction on the roadway. The older people enjoy the inside and outside of the saloon and the deck allows for easier participation before social distancing. I have adjusted and complied and tried to find solutions to make everyone happy and accommodate the features of the businesses. This first and foremost should be looked at. There are no laws being broken. They have been respectful to the community and not going against any ordinances. The law has not been called, nor has there been a need for them to be called to this property. In the times we're living in right now, there should be no controversy over a business exceeding and expanding. How many buildings do you see in our community today that are empty? Their businesses couldn't make it or succeed. Why is it in this society we fight about something that benefits us all and is positive? But at least the permis allows for expansion and any valid future complaint should be addressed to continue to respect the neighbors and the community as they have done previously. I myself was many miles out of town in Rockland and behind the mountain when the Blues Festival was in town. I can hear the music. When the Samoset fireworks are being set off, I can hear that. And every bit of that makes me smile, even if it's keeping me awake because it's part of living, part of the town and whining about being disturbed by every single noise I hear, especially when I don't even live in the facility. Which seems to be a factor here. With these attempts to expand, change is inevitable. And I find that it is time to also change our focus and our mindset onto much bigger things that are going on in our country instead of being petty and jealous of others. Just because something doesn't fit your narrative doesn't mean it can't or shouldn't exist. Our customers aren't what they've been generalized as being by the opposers. There are people of all different age ranges and social statuses who enjoy life and find joy in the plant and out that, again, which can be seen as a signature selected of our supporters. In the short few months that we as Mainers have to be outside, socialize together and keep our mental health in check. Please find that this opposition is nothing more than a personal vendetta against the owners and their success when others fail. Please allow us an efficient, unique, safe and beautiful place to frequent that's outside the normal line places several miles away, or if at all(sic). Please understand that what we are asking for is not solely to benefit ourselves, but to accommodate the needs of our community and those who have the right and the freedom to paycheck the business. Thank you all for your time and consideration this matter. I haven't been available to come to previous meetings but like previous meetings, verbal and personal attacks against things I've spoken up here.

Nina Anthoine

Thank you for your long soliloquy. Your wonderful patrons. I'm sure they are great. Lots of them. That's really beside the point. My name is Nina Anthoine and I'm an abutting property owner and I'm full time resident of Maine.(inaudible).

Chair Cox

I ask you to address the board.

Nina Anthoine

I will address the board with this. I know the Happy Clam's position is that people that do not like their expansion plans are somehow part-time wealthy people and that this isn't our home, and nothing can be farther from the truth. I just wanted to clarify that right away. And in fact, some of your patrons, I believe we have a right to have questions about particularly when you have two cop cars responding on July 8 to an altercation at 24 River Road which I have the police report, which I would love to read to you all. I don't think we need to go on about the shooting area intoxicated, OD threatening new Let's shoot up the property but in the backyard of this man's family's home. I understand. We don't need to read that. Mr. Allen is not a year-round resident, he pays taxes. Thank you. (sic)

Chair Cox

Anybody else would like to speak?

Chris Moses

I have a question about the applications. What application is for the park? And I want to clarify whether people can camp out in the parking lot, as well as just parking cars there during the business hours.

Chair Cox

We have not discussed it yet. That will certainly be up for discussion.

Chris Moses

I wouldn't say that issue is for this group. I also want to know what was in the application, a proposal to build a fence on the property and I want to know who the contractor was for that? And I think it's important because as we know when Mr. Howland planted the buffer zone of trees that he pulled up twigs out of the woods and many more of them and they all died. We wouldn't want him to be in charge of building the fence; we want a proper contractor.

Kristin Falla

I'm Kristin Falla. I'm an abutting neighbor and year-round resident. I am speaking here today in regard to the misinformation and falsehoods and storms around the Happy Clam/Outback that has continued for these meetings for the past, what 9-10 months or so. Supporters have used the narrative that the town is out to get Greg Howland, and this establishment. These meetings are about trying to shut them down and past meetings, those narratives will come up. That's false. We're gathered here today because there were concerns instead of the concerns being

heard and considered. There was an application basically to double down and expand the operations since there were multiple things happening in the application. Mr. Howland and his supporters who touted the restaurant bar is St. George's largest employer, one from largest to then, one of the largest, but I have firsthand knowledge that the school is the largest public employer here in town; we have over 60 employees. There are other top employers in town; you think of the general store, harbor builders and many other reputable businesses that have year-round employment for St. George residents. I can count all the out of state license plates in the Howland's driveway/employee camper campgrounds. Challenge that there isn't really that many St. George residents that live there year-round. The concerned neighbors are criers and complainers. That's how we lead up one of these public hearings with a statement from the Happy Clam manager. That's false. We are hardworking people, too. It's not just Greg Howland and his employees that work hard. We pay taxes and collectively as a group of neighbors. I would challenge we pay far more taxes than Howland alone. We have the right to have our homes not be infringed upon by one's business's operations. The concerns of the neighbors are all old people from away. And the locals here all love it. Well, this is not a generational issue. I'm 40 years old. My kids might think I'm old. But seriously, come on. This is not an issue of who's lived here the longest. But if you want to play that game, I didn't come in or at least. Okay, well, my husband is a lifelong resident and has come from generations of lifers here in St. George. Age doesn't matter to anyone who believes that we should protect the charm of the Tenant's Harbor Village from turning into the Bangor waterfront pavilion. And then at a handful of meetings, I've heard the term working waterfront come up. This is just misinformation that is just ridiculous; what is happening with the expansion concerns the Happy Clam is not going to impact the working waterfront; the fishermen are dealing with so much here. I let him speak to that, considering that he has these concerns, and he is vice president of a company that sells millions of pounds of lobster from our harbors here every year. The town has put Greg through the wringer and caused problems. Let's go back to last fall when we had these issues of unreasonable concert noise levels and unsafe parking along 131. At the same time, where I'd left a note for a neighbor that is already planning to cut down the trees for the proposed parking lot. In October those trees were clear, but no preemptive planning application was filed until February... did the heavy plant expansion application get filed(sic). Then at the March planning board meeting, the planning board offered a site visit within a couple of weeks. But Mr. Howland couldn't make time to return from Florida until April. It's not the town's fault, but his priority was to be in Florida. When requested information was dumped on the Planning Board at that meeting and how are they supposed to adequately review both at the same time on the same night. The town has made unreasonable requests of Mr. Howland to provide adequate plans and materials of supporting his projects. Based on things that transpired in the 2017 tiki hut barbecue pit proposal or application. The town should be getting all the necessary information related to these expansion projects. We were told in 2017 that what is now in the Outback would not be a biker bar. But now every Wednesday is advertised as fight night. We were told back in 2017 the Outback would not be a concert venue, but it is. So, you looked at the site plans. In your current packet. You'll notice up front of the restaurant there are two handicap parking spots. When you drive by it's a grassed over entrance to the front doorstep. You look at the employee parking and your site plan. And you notice it's an alley full of dumpsters and barrels. Mr. Howland has already shown he can't be trusted. That the band noise is just a couple hours

on Sunday is false. The decibel report from the first week of Sunday Funday was a flop 15 minutes after the town manager had picked up his equipment, the band continued playing till nearly six o'clock. This was much louder than when they were being observed. When I asked what the decibel level was, they weren't available if they have the claim. And Outback is allowed to expand its operations for more parking, more deck space, more seating and more food service we can only expect that Mr. Howland is going to expand his band, especially when the town isn't there to monitor.

Barbara Harris

Thank you. I'm Barbara Harris. I'm a full-time resident. I live at 14 Watts Ave. A couple of things. We do already know that integrity with respect to these proposals is lacking. I was at the 2017 hearing, and I was the one who asked the question whether there would be live music. So, we know that the answer was absolutely not. I was the one driving who almost got hit. I was not speaking during the conference. So, there's that as well. I did not file a police report. I did not lie up to my neck to my neighbors. I'm hoping they would have the decency to treat us with respect. This woman's letter, I would like to say that I would like the fans to please know that the first portion was very well done. It talked about how clearly this bar would benefit Mr. Howland's employees, it did not speak to the benefit of the local residents. And it's not the neighbors that I know, who have any problems with the restaurant that Mr. Howland was running. I don't know that man. I have no personal vendetta. But the fact that there's been a dramatic change in use, a change in use that's not appropriate for inside the village next to a residential area, concerns all of us. Certainly, the danger of traffic does as well. Linda Bean had to for her reading room in Port Clyde do a traffic study. And the fact that this much larger establishment with alcohol service would not be required to do so is what is absolutely unconscionable. The requirements from 2017 have not been completed. I would ask this board to please not consider this until such time as Mr. Howland can indicate that he can follow through on plans that are five years old, which is a considerable amount of time to follow through on that. And the other thing is I believe that everything that's occurring there now comes up to standard nuisance have a lawyer licensed in the state of Maine, I am not what's the difference of the the there are law violations there. We have had the police called a number of times(sic). And we've (inaudible).

Melissa Starbird

I am Melissa Starbird and I don't want to go back and forth all night. There's no sense. But I do want to note that the Outback has never, ever, ever, not once had the police involved, nor have we ever had a fight ever. Our people are very kind, considerate. And we take care of things, we make sure of. The food truck is important to me because I must run back and forth for the food. It has nothing to do with anything except for that. It's hard. It's hard to go out and get the food. That's the other thing; we already have an approved smoke shack. But we didn't want to do the Smoke Shack because people didn't like the smell. So, we went with the food truck. We got rid of the smoke with something that was better. Okay. It wasn't what we wanted in the beginning. But we're doing it and it will work. The parking lot. It's not like the parking lots going to be full every day. Sunday. Funday is our big day. That's the parking lot. Overflow. And our sound I personally watch the noise level. We know the maximum we can have. When I have a band in there. I talk to them beforehand. I say keep watching me because if I feel like it's too loud, or if

Rick's been there several times or he tells me it's too loud. We have a signal and I tell them, and they always turn it down. We are very respectful with our music. Our people are respectful, and I just ask that you guys consider that

Meg Rasmussen

I'm Meg Rasmussen of Watts Ave. I'm not opposed to the business. I'm opposed to expanding the business. It's causing so many issues with the neighbors. I also think the eight foot fencing is going to be unattractive. Judging by the condition of the eight foot fence that's out there now, I think that it's a mistake not to unless there's monitoring every year to make sure that that fence stands up and looks good. That that it will, it won't be an issue.

Nina Anthoine

Regarding the parking lot, application from the lot sub lot to on March 8, that first meeting that was primarily when Mr. Allen and Mr. Reinhardt submitted their initial application for both the expansion of the Happy Clam for sale property, and concurrently on the same application had their point five paper talking to both of you at that time Chair Cox correctly told them to when needed to be separated out into two applications. Because the property at 24 River load would be applying for a change of use, which would require under the site plan review ordinance of the town of St. George, that a variance application be submitted. Yet a month later, when I show up and asked Mr. Brackett where it is and why it's not there. He tells me there's absolutely no need for it. This is three days after he's received the revised materials on March 17 from Bill Reinhardt. Now what we keep referring to is the cleared area as a parking lot, when in fact, it is not. It is not a commercially designated area. You must prove hardship for a change of use zone. It's in your own site review. And I was listened to is the lipstick on a pig putting a bomb off. It's ridiculous you have not crossed your T's and dotted your eyes. And I have to wonder is that because Mr. Reinhard still sits on the board of appeals? Who would read here such a case and appeal to this? It stinks to high I folks.

Unknown speaker

Inaudible

Jim Barstow

My name is Jim Barstow. In Port Clyde the only accident we've had was a collision accident in town right at the post office. And that was about five years ago. There's going to be problems.

Nina Anthoine

Anne and I'll just add sorry, you're code officer for sure is not doing you right. Mobile Food units go to Augusta, you can call Dean Jackson. Mobile Food units need to be licensed and inspected like a separate kitchen. For three months. Why are there special rules for this applicant?

Chair Cox

Okay, that's enough. Nina.

Kristin Collins

Kristin Collins, again, if I may. So, I'm hearing a lot of divisiveness, of course, about this and when I hear divisiveness, I think the best thing a Planning Board can do is to look outside their own process to experts to try to get feedback, you have the ability to do that. And it seems to me that number one, a traffic and pedestrian safety study is warranted. This is a pretty popular business. Again, they're looking to cross a significant roadway. An independent evaluation of that wastewater capacity, it appears, although I couldn't tell from the packet that was provided by the applicant or the applicant's own contractor. And so, getting that independently evaluated makes sense given the pretty big expansion of the use over there. And then in terms of the noise, first of all 85 decibels is a lot of decibels, when it comes to noise standards, you know, usually you see limit set at 55 decibels during the day, or sorry, 65 during the day and 55 at night. And there is every opportunity on an ongoing basis to violate those standards and we can expect the town to have the ability first of all to have a technical study of what those levels are, and to keep up with it all the time. So, it seems that a condition at least for the first year that the Sunday Funday events be monitored by an independent acoustic expert and records provided to the town and then couple that with a limit in your discretion as to what seems reasonable for the sound... seems to be a way to address this in a way going forward that doesn't rely just on your code enforcement officer; so that's what I have to suggest Thank you.

At 8:21p.m., Chair Cox called the public hearing to a close.

Respectfully submitted,

Tammy Taylor
Planning Board Recording Secretary